

REMARKS

This responds to the Office Action mailed on August 1, 2008.

Claims 14-74 were previously canceled, without prejudice to the Applicant; claims 75-81 are newly added; as a result, claims 1-13 and 75-81 are presently pending in this application.

Example support for the newly added claims may be found throughout the original filed specification. By way of example only, the Examiner's attention is directed to the original filed specification paragraphs 437-449, 472, 520, and 541.

§102 Rejection of the Claims

Claims 1-2 and 4-7 were rejected under 35 U.S.C. § 102(b) for anticipation by Gever et al. (U.S. Patent No. 6,329,994; hereinafter "Gever"). It is of course fundamental that in order to sustain an anticipation rejection that each and every claim element must be taught or suggested in the exact detail and identical arrangement within the cited reference.

The approach used in Gever is vastly different from the approach that Applicant has taught. Specifically, the Examiner asserts that Gever teaches "searching one or more data stores with the three dimensional object as a first search query" (claim 1) and "searching one or more data stores with the three dimensional representation as a first search query" (claim 8). In support of these contentions, the Examiner cites Gever column 11 lines 16-25. This passage and all of the passages recited in Gever use keywords or an image as a search query. By definition an image is two-dimensional, which consists of a length and a width. The recited claims include an element for using a "three dimensional object or representation as a first search query." Therefore, Applicant respectfully fails to see how Gever can be said to teach or suggest using a three dimensional search query.

In fact, a detailed inspection of Gever reveals that the approach that Gever has taken is to pre-map predefined keywords (text) to objects. It is the keywords that are used for searching. There is no teaching or even hint of a suggestion in Gever where a three dimensional object or three dimensional representation is used as a search query for a search.

Gever, arguably, does permit an image (two dimensions) to be used as an initial search, but even in this instance Gever simply acquires the underlying keywords mapped to the two

dimensional image and then uses the keywords to perform the underlying search. The Examiner's attention is directed to Gever column 7 line 59 to column 8 line 24; column 8 lines 33-45; column 11 lines 23-25; column 12 lines 62-64; column 13 lines 7-10; and column 26 lines 29-39 and 44-51. These passages are not ambiguous and they clearly reveal that the approach in Gever is to use keywords as search terms for objects. In no instance is a three dimensional object or representation used as a search term for a search.

Applicant would also like to point out that in Gever there is no teaching or suggestion of a teaching where a skeleton is used to produce a search query. Furthermore, Gever fails to teach or suggest converting a three dimensional object into a graph skeleton. In Gever, the skeleton, if it exists at all, is predefined; so, any such skeleton is never produced or derived; it is presumed to exist *a priori*. Therefore, the rejections of claims 2 and 9 are also inappropriate and should be withdrawn.

With respect to dependent claim 4, Gever fails to allow individual features of a three dimensional object to be selected when assembling the three dimensional object.

Also, claims 5 and 12 recite elements for clustering portions of the answer set. At best, Gever discusses concentric arrangements around a central portion (Gever column 8 lines 16-24 and column 27 lines 1-4 and 59-61). This is not clustering an answer set as is recited in claims 5 and 12.

Accordingly, Applicant respectfully asserts that the rejections cannot be sustained and that the claims of record are in condition for allowance. Applicant respectfully requests an indication of the same.

§103 Rejection of the Claims

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gever in view of Igarashi et al. (U.S. Patent No. 6,549,201; hereinafter "Igarashi"). Claim 3 is dependent from independent claim 1; therefore, claim 3 is allowable if claim 1 is allowable, and Applicant believes in view of the remarks presented above that claim 1 is in condition of allowance. Thus, the rejection of claim 3 should be withdrawn and claim 3 allowed. Applicant respectfully requests an indication of the same.

Applicant also notes that Gever does not ever use a three dimensional object as a search; thus, this proposed combination fails because Gever uses keywords as a search and the Examiner has relied on Gever for a teaching whereby a three dimensional object is used as a search; but Gever is completely devoid of any such teaching. So, this rejection cannot be sustained.

Claims 8-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gever in view of Shoov et al. (U.S. Publication No. 2003/0071810; hereinafter "Shoov"). To sustain an obviousness rejection each and every element in the rejected claims must be taught or suggested in the proposed combination of references.

Claim 8 still recites an element for "searching one or more data stores with the three dimensional representation as a first search query." The Examiner relies on Gever for this teaching. However, as Applicant has detailed above Gever does not permit searching with a three dimensional object or representation; rather, Gever is limited to keyword searching or at best two dimensional images that are mapped to keywords for searching.

So, the rejections cannot be sustained because the proposed combination fails to teach or even remotely suggest an element for "searching one or more data stores with the three dimensional representation as a first search query." As such, the rejections of record should be withdrawn and claims 8-13 allowed. Applicant respectfully requests an indication of the same.

CONCLUSION

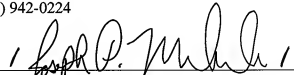
Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 11-01-08

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2008.

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Name


Signature